

MHSO070001402018



**Order below Exh. 24 in RCS No.122/2018**

1. This application is filed by legal representatives of deceased plaintiff namely Chand Badshaha Deshmukh to bring them on record. Death certificate of plaintiff is filed on record. He died on 22/10/2024. The application is filed on 03/01/2025. Say of defendants was called. Till today defendants failed to file say. Hence, application is proceeded without their say. Heard advocate for plaintiff. Perused the record.

2. Present suit is filed for specific performance of the agreement and injunction. It is alleged that, defendant No.1 has executed deed of mortgage by conditional sale with plaintiff on 18/11/1993. Plaintiff repaid amount borrowed i.e. Rs. 2,00,000/- on 18/01/1998. However, defendant No.1 failed to execute sale deed back in the favour of plaintiff and transfer the suit property to him. Later on defendant No.1 executed mortgage by conditional sale with defendant No.3. Therefore this suit is filed. The plaintiff claim right, title and interest in the suit property. Hence, after his death right to sue survives in favour his legal representatives.

3. The application is filed within stipulated period of limitation i.e. 90 days. The legal representatives themselves have filed this application. There is no objection by other side. Application

is supported with affidavit. Thus, there is no reason to object validity of legal representatives who are applicants. As right to sue survives after death of plaintiff and there is no dispute in respect of names of legal representatives, they are entitled to prosecute in the shoes of deceased plaintiff. In the interest of justice as right to sue survives, legal representatives can be brought on record. Hence, for reasons mentioned above following order is passed.

**ORDER**

1. The application is allowed.
2. Plaintiffs are directed to bring legal representatives of deceased Plaintiff on record by amending title of the plaint on or before next date.
3. No order as to costs.

Pandharpur.  
Date: 31.01.2025

(S. S. Raul)  
2<sup>nd</sup> Jt. Civil Judge Junior Division,  
Pandharpur.

### **CERTIFICATE**

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

Name of the Stenographer	-	A.B. Sandrok
Court	-	2 <sup>nd</sup> Jt. CJJD & JMFC, Pandharpur.
Date of Judgment/Order	-	31.01.2025
Judgment/Order signed by the Presiding Officer on	-	31.01.2025
Judgment/Order uploaded on	-	31.01.2025